

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

500.34521CC3

In re Application of: **Hitoaki OWASHI, et al**Application No.: **10/782,779**Filed: **February 23, 2004**For: **METHOD AND APPARATUS FOR RECEIVING A DIGITAL SIGNAL AND APPARATUS FOR  
RECORDING**

The owner, **HITACHI, Ltd. (As per the Assignment recorded on Reel 7971 and Frame 0746)**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. **6,321,025** as the term of said prior patent is defined in 35 USC 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is issued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Reg. No. 29.621/Carl I. Brundidge/

Signature

December 14, 2007

Date

Carl I. Brundidge

Typed or printed name

703) 684-1120

Telephone number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

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This collection of information is required by 37 CFR 1.201. This information is required to obtain or retain a patent by the applicant or inventor, and to submit the completed application form to the USPTO. The information is required by 37 CFR 1.201 and 37 CFR 1.11 and 1.12. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. The will vary depending upon the individual case. Any comments on the accuracy of this time estimate should be sent to the Chief Information Officer, U.S. Department of Commerce, P.O. Box 1481, Alexandria, VA 22313-1481. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1461, Alexandria, VA 22313-1461.

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